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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

MARSHALL S. SANDERS and
LYDIA O. SANDERS AS TRUSTEE
OF THE MARSHALL AND LYDIA
SANDERS TRUST DATED APRIL
20, 1990,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.; WELLS
FARGO BANK, N.A., AS TRUSTEE,
ON BEHALF OF THE HOLDERS OF
THE HARBORVIEW MORTGAGE
LOAN TRUST MORTGAGE LOAN
PASS-THROUGH CERTIFICATES,
SERIES 2007-1; NATIONAL
DEFAULT SERVICING
CORPORATION; SELECT
PORTFOLIO SERVICING, INC.; and
DOES 1-20,

Defendants.

CASE NO. 8:15-CV-00935-AG-AS

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT, FILED BY
DEFENDANT BANK OF
AMERICA, N.A.**

Complaint Filed: June 11, 2015

Date: Oct. 26, 2015

Time: 10:00 a.m.

Court: 10D

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence Defendant Bank of America, N.A. respectfully request that the Court take judicial notice of the following documents submitted in support of its motion to dismiss Plaintiffs' Complaint:

1 1. Grant Deed, recorded in the Official Records of the Orange County
2 Clerk-Recorder's Office on July 10, 2003, as Document No. 2003000812517; a true
3 and correct copy is attached as **Exhibit A**.

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5 Judicial Notice of Exhibit A is proper because this document is a true and
6 correct copy of a document which is referred to, attached to, or forms the basis of
7 the allegations in the Complaint. *Marder v. Lopez*, 450 F.3d 445, 448 (9th Cir.
8 2006); *Branch v. Tunnell*, 14 F.3d 449, 453-54 (9th Cir. 1994) (documents that are
9 not attached to the complaint may be incorporated by reference if the plaintiff has
10 referred to the document in the complaint or if the document forms the basis for the
11 plaintiff's claims).

12 Further, judicial notice of Exhibit A is proper because the document is a true
13 and correct copy of an official public record of Orange County, California, and its
14 authenticity is capable of accurate and ready determination by resort to sources
15 whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); *Gamboa v.*
16 *Tr. Corps & Cent. Mortgage Loan Servicing Co.*, 2009 U.S. Dist. LEXIS 19613, at
17 *4-10 (N.D. Cal. Mar. 12, 2009) (Court took judicial notice of recorded documents
18 related to foreclosure sale, including grant deed and deed of trust. "These
19 documents are also part of the public record and are easily verifiable. *See* Fed. R.
20 Evid. 201(b); *Castillo-Villagra v. INS*, 972 F.2d 1017, 1026 (9th Cir. 1992) (holding
21 that notice may be taken of facts capable of accurate and ready determination by
22 resort to sources whose accuracy cannot reasonably be questioned)"); *Velasquez v.*
23 *GMAC Mortgage Corp.*, 605 F.Supp.2d 1049, 1058 (C.D. Cal. 2008).

1 DATED: September 24, 2015

Respectfully submitted,

2 MCGUIREWOODS LLP

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5 By: /s/ Adam F. Summerfield

6 Adam F. Summerfield

7 Attorneys for Defendant

8 Bank of America, N.A.

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CERTIFICATE OF SERVICE

I, Adam F. Summerfield, certify that on September 24, 2015, the foregoing document entitled **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT, FILED BY DEFENDANT BANK OF AMERICA, N.A.** was filed electronically in the Court's ECF; thereby upon completion the ECF system automatically generated a "Notice of Electronic Filing" ("NEF") as service through CM/ECF to registered e-mail addresses of parties of record in the case.

/s/ Adam F. Summerfield

Adam F. Summerfield